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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,921	08/27/2003	Joseph Anscher	ANSCHER - 36 (CIP)	5070

25889 7590 04/15/2005

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EXAMINER
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JACKSON, ANDRE L

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/648,921

**Applicant(s)**

ANSCHER, JOSEPH

**Examiner**

Andre' L. Jackson

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

DETAILED ACTION

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,667,002 to Meyer. Meyer discloses a method of molding a hinge device, the hinge device (10) comprising;

a first section (12) having a post (24) extending transversely across one end thereof; a second section (14) having two co-axial apertures (34, 36) therein, each of the apertures having an internal wall (30, 32), wherein the post on the first section extends through the apertures in the second section to form a pivot between the first section to the second section; wherein the first section is integrally formed with the second section via at least one connection point (38, 40, 42, 44) connecting the first section and the second section within the apertures, wherein rotating the first section relative to the second section causes the at least one connection point to break.

However, Meyer does not specifically disclose that the at least one connection point is formed by a protrusion or rib extending along a sidewall of the first or second section outside the aperture(s) as claimed. Nor does Meyer specifically disclose that the at least one connection point in the form of a protrusion extends radially from the second section to the post outside of the aperture(s). Meyer (col. 2, lines 14-16) does disclose that the configuration and/or location of the connection points can be altered.

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Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the connection points of Meyer during the molding process to be outside of the aperture(s), since it has been held that re-arranging parts of an invention involves only routine skill in the art. Furthermore, applicant has not stated in the disclosure or shown that the location of the connection point(s) in the form of a rib or protrusion along the sections solves any relevant problem or is for a particular purpose, and the connection points of Meyer operates equally as well.

### **Response to Applicant's Arguments**

Applicant's arguments filed in the Amendment on February 1, 2005 have been fully considered but they are not persuasive. At the outset, applicant's remarks on page 2, 3<sup>rd</sup> paragraph pertaining to the rejection of applicant's claims in view of #6,667,002 to Meyer is not taking into account because this argument is not directed to the limitations presented in applicant's claims. Moreover, the assertion that "the gates must be formed with a moving part of the injection mold" is found to be irrelevant. Further, applicant does not provide any indication within the disclosure of Meyer of where this statement is found and the Examiner is unable to make a determination as a result.

Next, last paragraph of page 2, applicant asserts that applicant's present invention eliminates a need for an expensive and unwieldy apparatus. Here, the Examiner is confused to the supposed link between the apparatus and the product made by the apparatus as it pertains to the limitations presented in claims 1-4 (no method claims or a process of making the product present). Once again, this statement is deemed irrelevant.

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As to applicant's remarks that the molding gates of applicant's invention, being outside of the aperture of the hinge, can be formed in a much simpler and less expensive manner is not substantiated. The Examiner cannot find any verification of this statement within applicant's specification. Further, if applicant's invention is more economical and easier to manufacture over the prior art, applicant provides little or no proof; in contrast, Meyer (col. 1, lines 60-62) states the advantage of the swivel hinge over the prior art.

Lastly, applicant's remarks that one of ordinary skill would not be motivated to move the molding gates of Meyer to another location is not persuasive. Meyer (col. 2, lines 14-16) clearly states that although in the preferred embodiment (shown the most clearest in Figs. 3 and 4), the gates (38, 40, 42, 44) are formed at and within co-axial apertures (34, 36), other configurations of the gates are achievable. Thus, it can be envisaged that the gates (as seen in Fig. 3) may be extended toward and connected with the base element (12) **outside of the apertures** or conversely, the gates may be extended beyond the apertures in an opposite direction **outside of the apertures** of the swivel element (14), thus befitting an obvious change in shape well known within the art. More importantly, the change or modification of the gates of Meyer will not obstruct the normal operation of the swivel hinge of Meyer.

Therefore, for the foregoing reasoning above, the Examiner believes applicant's claims as presented are unpatentable over Meyer. Consequently, claims 1-4 remain rejected over the prior art.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067. The examiner can normally be reached on Mon. - Fri. (10 am - 6 pm).

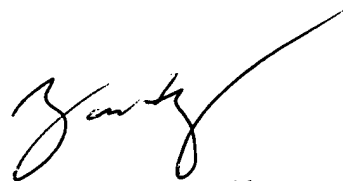
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson  
Patent Examiner  
AU 3677

ALJ



ROBERT J. SANDY  
PRIMARY EXAMINER